

**REAL ESTATE COMMISSION[193E]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 543B.9 and 543B.18, the Real Estate Commission hereby gives Notice of Intended Action to amend Chapter 14, "Seller Property Condition Disclosure," Iowa Administrative Code.

The proposed amendments to subrule 14.1(6) will require that Seller(s), Buyer(s), and a Real Estate Licensee representing the Buyer(s) acknowledge the delivery and receipt of the "Iowa Radon Home-Buyers and Sellers Fact Sheet" informational pamphlet provided by the Iowa Department of Public Health concerning radon gas. The amendments will also change the listed order of the items for which the Buyer(s) acknowledges receipt.

A public hearing will be held on September 15, 2009, at 9 a.m. in the Professional Licensing Conference Room, Second Floor, 1920 SE Hulsizer Road, Ankeny, Iowa, at which time persons may present their views on the proposed amendments either orally or in writing. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Consideration will be given to all written suggestions or comments received before the end of the business day on September 15, 2009. Comments should be addressed to David Batts, Executive Officer, Iowa Real Estate Commission, 1920 SE Hulsizer Road, Ankeny, Iowa 50021; or faxed to (515)281-7411. E-mail may be sent to [David.Batts@iowa.gov](mailto:David.Batts@iowa.gov).

These amendments are intended to implement Iowa Code sections 543B.9 and 543B.18.

The following amendments are proposed.

ITEM 1. Amend subrule **14.1(6)**, Residential Property Seller Disclosure Statement, section entitled "Seller(s) Disclosure," as follows:

**SELLER(S) DISCLOSURE:**

Seller(s) discloses the information regarding this property based on information known or reasonably available to the Seller(s).

The Seller(s) has owned the property since \_\_\_\_/\_\_\_\_/\_\_\_\_. The Seller(s) certifies that as of the date signed this information is true and accurate to the best of my/our knowledge.

Seller(s) acknowledges requirement that Buyer(s) be provided with the "Iowa Radon Home-Buyers and Sellers Fact Sheet" prepared by the Iowa Department of Public Health.

Seller \_\_\_\_\_ Seller \_\_\_\_\_  
Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

ITEM 2. Amend subrule **14.1(6)**, Residential Property Seller Disclosure Statement, section entitled "Buyer(s) Acknowledgment," as follows:

**BUYER(S) ACKNOWLEDGMENT:**

Buyer(s) acknowledges receipt of a copy of this Real Estate Disclosure Statement. This statement is not intended to be a warranty or to substitute for any inspection ~~the buyer(s)~~ Buyer(s) may wish to obtain.

Buyer(s) acknowledges receipt of the "Iowa Radon Home-Buyers and Sellers Fact Sheet" prepared by the Iowa Department of Public Health.

Buyer\_\_\_\_\_ Buyer\_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

ITEM 3. Amend subrule **14.1(6)**, Residential Property Seller Disclosure Statement, by adopting the following **new** section:

**LICENSEE ACKNOWLEDGMENT:**

Buyer(s) Agent acknowledges that Buyer(s) received the "Iowa Radon Home-Buyers and Sellers Fact Sheet" prepared by the Iowa Department of Public Health.

Buyer(s) Agent\_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_